



Apache Survival Coalition
San Carlos Apache Reservation
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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and Protection
of Minorities

Working Group on Indigenous Peoples'
Seventeenth Session July 26-30, 1999
July 28, 1999

Item 5: Principle Theme: Indigenous Peoples' and their Relationship to Land

Madam Daes, Chairperson:

I am Ola Cassadore Davis, an enrolled member of the San Carlos Apache Tribe, located in western Arizona. We Apache people most earnestly seek the protection of this body of the United Nations from the destruction of our culture and human rights by U.S., German, Italian and Vatican astronomers and their sponsoring governmental agencies focused upon a most sacred Apache mountain Dził Nchaa Si An (Mount Graham) in Arizona. They are now building three telescopes on this most holy and ancient Apache place.

We Apache wish to preserve in perpetuity our rights as secured under Indian treaties and agreements with the United States, including the Constitution of the United States, including the First Amendment, the American Indian Religious Freedom Act, the Civil Rights Acts, the National Historic Preservation Act, U.S. Executive Order 13007, and any other laws, including but not limited to the federal trust responsibilities of the U.S. government to Indian people. We Apache wish to bring to the people of this world a better understanding of Indian people, in order that we are able to preserve and freely live by our traditional culture and religious beliefs.

The landform Dził Nchaa Si An (Mount Graham) in Arizona is a central source and means of sacred spiritual guidance and a traditional cultural property of the Apache people, and a unique place on Earth through which Apache people's prayers travel to the Creator, and Dził Nchaa Si An is presently being desecrated and harmed by the cutting of ancient forest, digging, and road building, and the installation of telescopes sponsored by the University of Arizona of Tucson, Arizona, various Max Planck Institutes of Germany, the Arcetri Observatory of Florence, Italy, the Vatican Observatory of Rome, Italy and Ohio State University in Columbus, Ohio.

Apache spiritual leaders and medicine men and women have previously signed a petition opposing that desecration and such harms; and the San Carlos Apache Tribal Council has voted four times to oppose the installation of the observatory, most recently on June 13, 1995; and documents and testimony in the archives of the University of Arizona and U.S. government confirm the cultural and religious importance of this land. We Apache were greatly encouraged by the information gathering here in Arizona, and the findings and report of United Nations Special Rapporteur Mr. Abdelfattah Amor in 1998. Dził Nchaa Si An (Mount Graham) should be considered as a World Heritage Site.

On May 24, 1996, the President of the United States issued Executive Order 13007 requiring that all U.S. land management agencies shall "protect the physical integrity of Indian Sacred Sites" and all unrestricted access by Indians thereto. So far, that Presidential Order has not been enforced on our Sacred Mountain.

On June 16, 1999 the U.S. Department of Agriculture Forest Service sent a letter to officials of the San Carlos Apache Tribe acknowledging that Mount Graham "is very important to the Apaches," and that

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"The Forest Service has, already, enough information to consider the mountain sacred under the American Indian Religious Freedom Act, the Religious Freedom Restoration Act, and the First Amendment." But the U.S. Department of Agriculture Forest Service has taken no positive action on those words. To this day, they have worked hard against us traditional Apaches.

Section 16 of the U.S. Department of Agriculture Forest Service's Special Use Permit for the observatory on the mountain, which was signed by the University of Arizona and the Forest Service, states that "If...the Secretary of Agriculture...shall determine that the public interest requires termination of this permit, this permit shall terminate upon thirty days' written notice..."

That permit provides for a payment of up to U.S. \$10,000 to the University of Arizona by the U.S. to help defray the costs of removing the observatory from the mountain.

In conclusion, we Apache would respectfully urge this body of the United Nations to recognize and acknowledge that the disrespect and suffering caused by the nations and governments mentioned above be terminated forthwith. We Apache petition you for a resolution consistent with the National Congress of American Indians of 1993, 1995 and July 1999. They stated that the public interest in protecting Apache culture is compelling, and that the U.S. Secretary of Agriculture should accordingly require the prompt removal of the telescopes from Mount Graham.

Thank you for your continued attention to this matter.

Respectfully yours,

Statement and Petition to the United Nations To Protect the Indian Sacred Site, Dzil Nchaa Si An (Mount Graham) by Ola Cassadore Davis.

Ola Cassadore Davis, Chairperson
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